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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/204,142 | 12/03/1998 | YUKO ARAI | 041-2048 | 5104 |

7590 11/01/2005

INTELLECTUAL PROPERTY LAW OFFICES OF
MICHAEL G. GILMAN
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EXAMINER

LONSBERRY, HUNTER B

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2611

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|--|------------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 09/204,142 | Applicant(s) ARAI ET AL. | |
| | Examiner Hunter B. Lonsberry | Art Unit 2611 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See below. (See 37 CFR 1.116 and 41.33(a)).

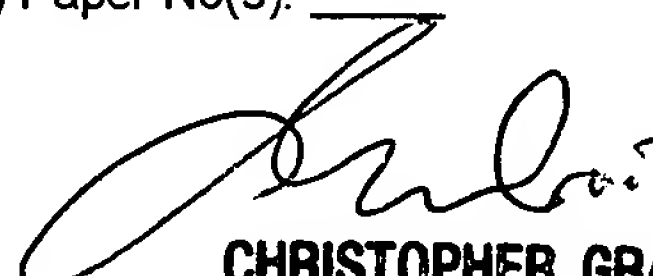
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 87,98-103 and 112-114.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
 13. ☐ Other: _____.


CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER

Applicant argues that the combination of Terakado and LaJoie fails to teach or suggest the concept that the same broadcast service station broadcasts plural channel services and in such a circumstance the first and second types of electronic program information having first and second degrees of detail and distributed in a controlled manner. More specifically bits of electronic program information for the plural channel services are broadcast by the same broadcast service station are provided with descriptive information at the first degree of detail that is greater than the descriptive information contained in the second degree of detail. Amendment pages 7-8)

Regarding applicants argument, Lajoie shows in figure 1, that a number of services are received at a headend, and that the headend (broadcast service station) transmits the plurality of programs to the user receiver via a fibre 3 (column 9, lines 37-column 10, line 31). Further, LaJoie discloses in figures 16 and 22, an electronic program guide which displays a currently tuned program in a window 340, and displays a first level of detail (program title within the grid, along with channel number and start time), and a second level of detail (channel start time 346, title 374, program description 378, program characteristics 380) for the currently tuned program (column 23, line 51-column 24, line 7, column 27, line 64-column 28, line 15). Eyer teaches an MPEG system which embeds EPG and program content via PID streams, a trickle stream and a demand stream provide EPG data (column 12, lines 30-61, column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35). Therefore the combination of Terakado, LaJoie and Eyer teaches every limitation in the claims as amended.